

**FILED
UNDER
SEAL**

United States District Court
for
the District of Nevada

**PETITION FOR SUMMONS
FOR OFFENDER UNDER SUPERVISION**

Name of Offender: **Maurice Lashon Emery**

Case Number: **2:16CR00336**

Name of Sentencing Judicial Officer: **Honorable Paul L. Maloney, Western District of Michigan**

Date of Original Sentence: **June 12, 2008**

Original Offense: **Brank Robbery, a Class C Felony**

Original Sentence: **188 Months prison, followed by 36 Months Supervised Release.**

Date of Prior Revocation: **December 14, 2015**

Revocation Sentence: **8 Months prison, followed by 28 Months Supervised Release**

Date Supervision Commenced: **July 15, 2016**

Date Jurisdiction Transferred to District of Nevada: **December 7, 2016**

Name of Assigned Judicial Officer: **Honorable James Mahan, U.S. District Judge**

PETITIONING THE COURT

To issue a summons:

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Standard Condition #7: The defendant shall refrain from the use of alcohol and shall not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.**

RE: Maurice Lashon Emery

Prob12C
D/NV Form
Rev. March 2017

On the following dates Mr. Emery submitted positive drug tests for Marijuana and Opiate substances: 10/27/17, 11/21/17, 11/22/17, 12/05/17 and 03/26/2018.

For the purposes of applying the provisions of 18 U.S.C 3565(b)(4) or 3583(g)(4) (mandatory revocation for submitting more than three (3) positive drug tests in a 12 month period), this is the defendant's fifth (5th) qualifying positive test.

If the Court finds that the positive drug test(s) constitute possession of a controlled substance the Court is required to revoke supervision and impose a sentence that includes a term of imprisonment. 18 U.S.C. 3565(b), 3583(g). The Court shall also consider whether the availability of appropriate substance abuse programs, or the offender's current or past participation in such programs, warrants an exception from the requirement of mandatory revocation and imprisonment under 18 U.S.C. 3565(b), 3583(g). 18 U.S.C. 3563(a), 3583(d). U.S. v Hammonds, 370 F.3d 1032 (10th Cir. 2004)

2. **Special Condition #2:** The defendant shall participate in a program of testing and treatment for substance abuse as directed by the probation officer, until such time as the defendant is released from the program by the probation officer and shall pay at least a portion of the cost according to his ability, as determined by the probation officer.

On November 20, 2017, Mr. Emery was directed to report to the U.S. Probation office to submit a urine specimen for drug testing. Additionally, this officer advised Mr. Emery that he was being returned to formal drug testing. Mr. Emery failed to report as instructed.

On December 2, 2017 and March 23, 2018 Mr. Emery failed to report for drug testing at Westcare.

U.S. Probation Officer Recommendation:

The term of supervision should be: Revoked

I declare under penalty of perjury that the information contained herein is true and correct,

Executed on April 10, 2018

Branndon S.

Phillips

2018.05.02

14:58:59 -07'00'

Scott Phillips
Senior United States Probation Officer

RE: Maurice Lashon Emery

Prob12C
D/NV Form
Rev. March 2017

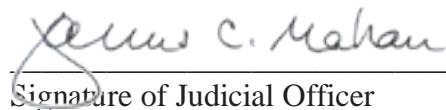
Approved:

 Robert G. Aquino
2018.05.02 15:49:25
-07'00'

Robert Aquino
Supervisory United States Probation Officer

THE COURT ORDERS

- No Action.
- The issuance of a warrant.
- The issuance of a summons.
- Other:



Signature of Judicial Officer

May 3, 2018

Date

RE: Maurice Lashon Emery

Prob12C
D/NV Form
Rev. March 2017

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. MAURICE LASHON EMERY, 2:16CR00336

SUMMARY IN SUPPORT OF PETITION FOR SUMMONS
April 10, 2018

On October 27, 2017, Mr. Emery submitted a urine specimen for drug testing which tested positive for Marijuana and Opiates. Mr. Emery admitted smoking marijuana and eating marijuana edibles. Additionally he admitted taking prescribed pain medication (Percocet) not as prescribed. On November 5, 2017, the urine specimen was GCMS confirmed being positive by ALERE Laboratory for Marijuana, Codeine, Hydromorphone, Morphine and Oxymorphone.

On November 21, 2017 and November 22, 2017, Mr. Emery submitted urine specimens for drug testing. The specimen's field tested positive for Marijuana and Opiates. Mr. Emery admitted smoking marijuana a few weeks prior and after submitting his positive test on October 27, 2017. The specimens were GCMS confirmed being positive by ALERE Laboratory for Marijuana, Codeine, Morphine, Oxycodone. Additionally the specimen submitted on November 21, 2017 was dilute.

On December 5, 2017, Mr. Emery submitted a urine specimen for drug testing which tested positive for Marijuana. The specimen was GCMS confirmed positive by ALERE Laboratory.

On March 26, 2018, Mr. Emery again submitted a urine specimen for drug testing which tested positive for Marijuana. The specimen was GCMS confirmed positive by ALERE Laboratory. On April 6, 2018, this officer contacted the offender regarding this positive drug test. Mr. Emery admitted smoking a small amount of marijuana prior to the March 26, 2018 drug test.

Respectfully submitted,


Brandon S. Phillips
2018.05.02 14:59:18
-07'00'

Scott Phillips
Senior United States Probation Officer

Approved:


Robert G. Aquino
2018.05.02 15:49:42
-07'00'

Robert Aquino
Supervisory United States Probation Officer

RE: Maurice Lashon Emery

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Rev. March 2017